



**Office of the New York State
Attorney General**

**Letitia James
Attorney General**

August 12, 2025

Via ECF

Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Plaintiff shall file any response to Defendant's
request for an extension of the summary
judgment briefing schedule by **August 19, 2025**.

Dated: August 13, 2025
New York, New York

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

RE: *Mendez v. John Jay College of Criminal Justice*
1:23-CV-08816 (LGS)

Dear Judge Schofield:

This Office represents Defendant, The City University of New York (s/h/a "John Jay College of Criminal Justice")¹ in this action. I write to respectfully request an extension of the summary judgment briefing schedule that Your Honor ordered yesterday. ECF No. 126.²

This request is necessary because the director of John Jay's Office of Accessibility Services has been on medical leave since June, and does not expect to return to work until sometime in September. I anticipate that the director will submit a declaration in support of Defendant's summary judgment motion because the Office of Accessibility Services was the office that facilitated Plaintiff's reasonable accommodations - the main issue in this lawsuit. Thus, she has personal knowledge of facts highly relevant to this case, and Defendant will be severely prejudiced if they must move for summary judgment while she is unavailable.

To ensure that Defendant is able to meet with the director before its summary judgment motion is due, and prepare any necessary declarations, as well as taking into account summer vacation schedules of counsel and other anticipated declarants, Defendant respectfully requests a modification of the briefing schedule to the following: Defendant's summary judgment motion due by October 15, 2025, Plaintiff's opposition due by November 12, 2025, and Defendant's reply due by December 3, 2025.

1 The John Jay College of Criminal Justice ("John Jay") is a senior college of CUNY and is not a "legally cognizable entity apart from CUNY." *Clissuras v. City Univ. of N.Y.*, 359 F.3d 79, 81 n.2 (2d Cir. 2004); N.Y. Educ. Law § 6202(5).

2 The August 11 Order set the following briefing schedule: Defendant's motion is due by August 29, 2025, Plaintiff's opposition is due by September 25, 2025, and Defendant's reply is due by October 10, 2025.

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This is Defendant's first request for an extension of the deadline to file its motion for summary judgment. Plaintiff *pro se* does not consent and apparently will be filing his own letter indicating that the "delay is too long."

Thank you for your time and consideration of this matter.

Respectfully submitted,

/s/ Samuel A. Martin
Samuel A. Martin
Assistant Attorney General
Tel.: (212) 416-8920
samuel.martin@ag.ny.gov

CC:

Plaintiff *pro se* (Via Mail and Email)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANKLIN MENDEZ

Plaintiff,

- against -

JOHN JAY COLLEGE OF CRIMINAL JUSTICE,
DEFENDANT

Defendants.

No. 1:23-cv-8816

CERTIFICATE OF SERVICE

SAMUEL MARTIN, pursuant to 28 U.S.C. § 1746, certifies under penalty of perjury as follows:

I am employed as an Assistant Attorney General in the Office of the New York State Attorney General, attorney for Defendant The City University of New York (s/h/a “John Jay College of Criminal Justice”).

On August 12, 2025, I served a true and correct copy of Defendant’s August 12, 2025 letter to the Court concerning the summary judgment briefing schedule on the below-listed Plaintiff *pro se* by email and by depositing a copy properly enclosed in a prepaid envelope, into a mail deposit box regularly maintained outside of 56 Beaver Street, New York, NY 10004 at the physical address designated by Plaintiff within the State of New York for that purpose as follows:

Franklin Mendez
2 Ocean Drive
W17J
Brooklyn, NY 11224
fmendez3327@gmail.com

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
August 12, 2025

Sm

SAMUEL MARTIN